

## **REMARKS**

This Preliminary Amendment is in response to a restriction requirement in the Office Action. Herein, Claims 1-12 have been canceled and the restriction requirement is thereby moot. A restriction will not lie against the newly added claims because there is only one independent claim, and only one species is possible in that situation.

The Office Action was not entirely understood, and it appeared not to be in conformance with the MPEP. The pending Claims were not identified at all, and only Figs. 4 and 5 were cited as belonging to competing Species. The rationale about increasing and decreasing signal-to-noise ratios being dependent on bypassing or passing ESD around or through the head did not make any sense technically. The art classifications of each of the Species were not recited, and the whole was indefinite and hard for the Applicant to guess what would be a proper election.

In any event, the intended subject matter is better recited by the newly added claims. The newly added claims 13-18 add no new matter. This is demonstrated by the inclusion of element numbers in the recitations from the original drawings, Figs., 1-5.

## CONCLUSION

Accordingly, in view of the preceding amendments and remarks, it is respectfully submitted that the pending application, with pending Claims 13-18, is in condition for allowance and such action is respectfully requested.

Should the Examiner be of the opinion that a telephone conference with Applicant's attorney would expedite matters, the Examiner is invited to contact the undersigned below.

Very respectfully submitted,

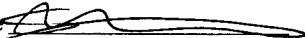
Gregory Scott Smith  
GSS Law Group  
3900 Newpark Mall Rd  
Third Floor, Suite 317  
Newark, CA 94560

Reg. No. 38,309  
Phone (510) 742-7417  
Fax (510) 742-7419

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature



Evanjin M. Dasalla

Date: November 14, 2006